

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BUC-EE'S, LTD.

Plaintiff,

v.

**BUCKS, INC., d/b/a BUCKY'S, and
STEVEN BUCHANAN,**

Defendants.

CIVIL ACTION No. 8:17-CV-00287-LSC-MDN

Jury Trial Demanded

STIPULATED JOINT MOTION TO MODIFY THE CASE PROGRESSION ORDER

The parties stipulate and jointly move the Court to modify certain deadlines in the Case Progression Order in this case (ECF No. 152). The parties' proposed modifications do not affect the trial date or dispositive motion deadlines. The parties respectfully request modifications of certain deadlines in view of the August 8, 2018, settlement conference (ECF No. 159) and so that the parties may continue settlement discussions.

The Court may modify the Case Progression Order for "good cause." Here, good cause exists because modification may allow the parties to reach settlement and obviate the need to expend significant resources completing discovery. For the last several months the parties have been engaged in settlement discussions, and the parties are scheduled to appear before Magistrate Judge Nelson for a settlement conference on August 8, 2018 (ECF No. 159). The proposed modifications to the Case Progression Order will allow the parties to continue pursuing settlement and to devote their resources to the upcoming settlement conference, while also providing sufficient time to complete discovery in the event negotiations reach an impasse.

The modifications the parties seek are relatively minor. The trial date and dispositive motion deadlines are unaffected. The parties' proposed modifications are set forth in the following table (proposed modifications in emphasis):

	Current Deadline	Proposed Deadline
<i>Deadline for plaintiff to serve expert reports</i>	<i>August 15, 2018</i>	<i>October 2, 2018</i>
Deadline for parties to file <i>fact</i> discovery motions	September 28, 2018	September 28, 2018 (deadline unchanged)
<i>Deadline for defendants to serve expert reports</i>	<i>October 15, 2018</i>	<i>December 3, 2018</i>
<i>Deadline for plaintiff to serve rebuttal expert reports</i>	<i>October 30, 2018</i>	<i>December 17, 2018</i>
Deadline for completion of written <i>fact</i> discovery	October 30, 2018	October 30, 2018 (deadline unchanged)
Deadline for completion of <i>fact</i> depositions	November 30, 2018	November 30, 2018 (deadline unchanged)
<i>Deadline for completion of expert depositions</i>		<i>January 4, 2019</i>
Deadline to file motions to exclude expert testimony on <i>Daubert</i> and related grounds (unchanged)	January 11, 2019	
Deadline to file motions to dismiss and/or for summary judgment (unchanged)	January 11, 2019	
Deadline to file witness and exhibit lists (unchanged)	March 25, 2019	
Deadline to file motions in limine (unchanged)	April 1, 2019	
Final Pretrial Conference before Magistrate Judge Nelson (unchanged)	April 8, 2019 at 11am	
Trial (4 day jury trial) (unchanged)	April 16, 2019	

For all of the foregoing reasons, the parties respectfully request that the Court enter a modified Case Progression Order consistent with the proposed modifications set forth above.

Dated: July 12, 2018

Respectfully submitted,

By: /s/Katherine Laatsch Fink

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CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent electronic notification of this filing to all CM/ECF participants.

/s/ Katherine Laatsch Fink